

DISTRICT OF COLUMBIA  
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 ALCOHOLIC BEVERAGE CONTROL BOARD  
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 MEETING

-----:  
 IN THE MATTER OF: :  
 :  
 New York Avenue Beach Bar, :  
 LLC :  
 t/a Halftime Sports Bar : Show Cause  
 1427 H Street NE : Hearing  
 Retailer CT : (Status)  
 License No. 94107 :  
 :  
 Case No. 15-251-00003 :  
 -----:

March 4, 2015

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller, presiding.

PRESENT

RUTHANNE MILLER, Chairperson  
 NICK ALBERTI, Member  
 DONALD BROOKS, Member  
 HERMAN JONES, Member  
 JAMES SHORT, Member  
 MICHAEL SILVERSTEIN, Member  
 HECTOR RODRIGUEZ, Member

ALSO PRESENT:

CHRISSY GEPHARDT, Office of the Attorney General

## P R O C E E D I N G S

09:40 a.m.

CHAIR MILLER: Alright. Good morning everyone. Welcome to the regularly scheduled meeting of the District of Columbia's Alcoholic Beverage Control Board. Today is March 4, 2015. My name is Ruthanne Miller. I'm the Chairperson. Joining me to my far right is Mr. Donald Brooks. Next to Mr. Brooks is Mr. Nick Alberti. Next to Mr. Alberti is Mr. Hector Rodriguez. To my left is Mr. Mike Silverstein and next to Mr. Silverstein is Mr. James Short. We have six members in attendance this morning for the conduct of business and three constitute a quorum. Copies of today's hearing calendar and agenda are available at the receptionist desk. Please be aware that these proceedings are being recorded by a court reporter. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room. If you have any electronic devices, pagers, cell phones or such, please make certain they are turned off

1 to avoid any interruption of the proceedings.

2 When I call your case, please come  
3 forward and take a seat at one of the tables in  
4 the front. You will notice there is a piece of  
5 paper at each table for you to sign in. This is  
6 to ensure the correct spelling of your name for  
7 the record. The Open Meetings Act requires that  
8 the public hearing on each case be open to the  
9 public. The board may, consistent with Section  
10 405B at the Open Meetings Act, enter a closed  
11 meeting during or after the public hearing on a  
12 case to consult with an attorney to obtain legal  
13 advice, discuss settlement agreements or  
14 deliberate upon a decision in an adjudication  
15 proceeding. So that concludes my introductory  
16 remarks. I'm going to now turn to this morning's  
17 calendar. First case on the calendar is Case  
18 number 15-251-00003, Halftime Sports Bar located  
19 at 1427 H. Street NE. License number 94107.

20 MR. GRAHAM: Good morning

21 CHAIR MILLER: Good morning.

22 MS. GEPHARDT: Good morning.

1 CHAIR MILLER: When you're ready, you  
2 can introduce yourselves for the record.

3 MR. GRAHAM: Carl Graham, Halftime  
4 Sports Bar.

5 MS. OWENS: Deneira Owens, Halftime  
6 Sports Bar.

7 MEMBER SILVERSTEIN: I'm sorry?

8 MS. OWENS: Deneira Owens, Halftime  
9 Sports Bar.

10 CHAIR MILLER: And could you explain  
11 your relation to Halftime Sports Bar?

12 MS. OWENS: An employee.

13 CHAIR MILLER: You're an employee?  
14 Okay. And Mr. Graham is the owner, correct?

15 MR. GRAHAM: Yes ma'am.

16 CHAIR MILLER: Okay.

17 MS. GEPHARDT: I'm Chrissy Gephardt,  
18 I'm here on behalf of the Office of the Attorney  
19 General.

20 CHAIR MILLER: Okay. This is a status  
21 hearing. Mr. Graham, may I ask you if you'd had  
22 a notice of this hearing?

1 MR. GRAHAM: Yes ma'am.

2 CHAIR MILLER: And did you read it and  
3 understand it?

4 MR. GRAHAM: Yes ma'am.

5 CHAIR MILLER: Okay. So notice is not  
6 an issue at this hearing. Correct?

7 MR. GRAHAM: I beg your pardon?

8 CHAIR MILLER: So notice of this  
9 hearing is not at issue.

10 MR. GRAHAM: No ma'am.

11 CHAIR MILLER: Alright. So, are there  
12 any preliminary issues you wish to bring to our  
13 attention?

14 MS. GEPHARDT: Yes, we do have a  
15 preliminary issue and that is the parties have  
16 agreed on an offering compromise that we would  
17 like to present to the board this morning.

18 CHAIR MILLER: Okay.

19 MS. GEPHARDT: The offer is a little  
20 bit lengthy so we would like to read it into the  
21 record. Are you prepared for me to proceed with  
22 that now?

1 CHAIR MILLER: Sure.

2 MS. GEPHARDT: This is a compromise to  
3 settle the matter regarding the charge which  
4 involves the incidents which happened on January  
5 30, 2015. The charge is for carrying a pistol  
6 without a license in violation of DC Official  
7 Code 22-4503, after Mr. Graham brandished an  
8 unlicensed firearm inside his establishment.

9 The offering compromise which  
10 addresses the incidences of this night is as  
11 follows. This offering compromise will be  
12 presented to the Alcoholic Beverage Control Board  
13 by the Assistant Attorney General at the show  
14 cause proceeding. Please be advised that this is  
15 a proposed compromise. Accordingly, it is at the  
16 discretion of the board to accept or reject this  
17 offer.

18 The offer in compromise consists of  
19 the licensee agreeing to the following terms.  
20 One, a fine of \$2,000 for Charge 1, which is a  
21 first primary tier violation. The fine shall be  
22 paid within 30 days or the license shall be

1       suspended. Two, a suspension of 30 days, stayed  
2       days, for one year. These 30 days stayed are in  
3       addition to the suspension days already served by  
4       the licensee.

5               Three, the establishment shall submit  
6       a security plan to the ABC Board by Tuesday,  
7       March 3, 2015. The security plan shall be  
8       reviewed and accepted by the ABC Board prior to  
9       the establishment opening.

10              Four, the security plan shall be in  
11       full compliance with all applicable laws  
12       including all requirements for a security plan  
13       under Title 25 of DC Official Code which  
14       incorporates all of the below matters.

15              That includes (A) addresses the  
16       establishment procedure for preserving a crime  
17       scene, (B) the establishment shall continue to  
18       have an operational camera system. The revised  
19       security plan shall state the number of cameras  
20       that will be utilized by the establishment, (C)  
21       state that the cameras shall remain operational  
22       at all times and reveal no blind spots within the

1 establishment, (D) a diagram of the location of  
2 the establishment's floor plan with a location of  
3 the cameras will be maintained on the premises to  
4 facilitate investigations and shall be appended  
5 with the licensee's security plan, (E) the  
6 licensee shall maintain an incident log detailing  
7 all violent incidents that occur inside the  
8 establishment. The security plan shall address  
9 the establishment's procedures for drafting and  
10 maintaining its incident log. (F) The  
11 establishment's process for calling 911 and  
12 notifying MPD for assistance. (G) The licensee's  
13 patron ejection protocol and (H) the  
14 establishment shall purchase and regularly use a  
15 security wand at the entrance.

16           Number five, the security plan shall  
17 specify the number in the range of the cameras to  
18 be utilized. The quality of the video to be used  
19 by the establishment shall be specified in the  
20 security plan and shall meet the approval of the  
21 ABC Board. A walkthrough of the security system  
22 shall be conducted by an ABRA investigator prior



1 to the establishment opening.

2 Six, the licensee shall have at least  
3 one manager on duty at all times that should be  
4 able to fully operate the equipment necessary to  
5 all cameras in this establishment. Seven, no  
6 later than the close of business on Tuesday,  
7 March 10, 2015, the licensee shall provide a  
8 sample copy of video footage of no less than ten  
9 minutes from the establishment's camera security  
10 surveillance system.

11 Eight, The licensee shall incorporate  
12 detailed procedures in its security plan on how  
13 security personnel are to handle violent  
14 altercations in the establishment including  
15 appropriate methods for detaining and controlling  
16 aggressive patrons.

17 Nine, the licensee shall provide its  
18 employees with training on how to aide an injured  
19 or ill patron inside the establishment including  
20 calling for outside medical services. Ten, the  
21 licensee shall provide its employees with  
22 training on situations where it is necessary to

1 contact MPD immediately such as a violent  
2 incident immediately inside or outside of the  
3 establishment or when a patron needs or requests  
4 medical attention.

5 Eleven, no later than the close of  
6 business on Tuesday, March 10, 2015, the licensee  
7 shall provide all detailed training materials  
8 used as the basis for training the licensee's  
9 employees as required by paragraphs 9, 10 and 13.

10 Twelve, the licensee shall make all future video  
11 recording of a crime of violence available for  
12 review immediately upon the request by MPD or  
13 ABRA investigators and copies will be given to  
14 ABRA investigators or MPD within 48 hours of a  
15 request. All video footage involving a crime of  
16 violent shall be maintained for at least 30 days.

17 Thirteen, the licensee shall ensure  
18 the completion of a security training of its  
19 security staff. This core shall include training  
20 of all security personnel for the establishment  
21 that shall cover all items addressed in this  
22 offer in compromise as well as the items

1 contained in the licensee's security plan.

2 Fourteen, the licensee shall  
3 immediately call 911 for any altercation or other  
4 conduct in the establishment which may violate  
5 the law.

6 Fifteen, the licensee shall post a  
7 sign near the entrance of the establishment  
8 indicating that it is illegal to carry a pistol  
9 into a licensed tavern including this  
10 establishment in the District of Columbia.

11 Sixteen, the licensee shall not allow  
12 it's owners, managers, employees or patrons to  
13 bring any firearms or dangerous weapons into the  
14 licensed establishment.

15 Seventeen, the licensee shall wand and  
16 pat down or search all patrons entering the  
17 establishment after 10 p.m. on Thursday, Friday  
18 and Saturday nights.

19 Eighteen, the licensee shall submit a  
20 list of all security personnel employed by the  
21 establishment which will be kept on premises with  
22 a job title or role of each employee listed.

1 Such lists shall be updated upon the hiring or  
2 termination of each security employee and shall  
3 be available at the establishment upon request by  
4 MPD or ABRA.

5 And finally, nineteen, criminal  
6 charges have not been filed against the  
7 licensee's owner, Karl Graham, for incidents  
8 occurring on January 30, 2015. In the event that  
9 Mr. Graham is criminally charged for incidents  
10 occurring on January 30, 2015, Mr. Graham shall  
11 notify the board within seven days of both being  
12 criminally charged. In the event that Mr. Graham  
13 is charged and subsequently convicted of a  
14 misdemeanor or felony, he shall notify the board  
15 within seven days of his conviction for a  
16 determination by the board regarding his fitness  
17 for the responsibilities of licensure. The  
18 licensee hereby agrees to the foregoing  
19 conditions in this resolution of the summary  
20 suspension in this matter.

21 CHAIR MILLER: Thank you. And I want  
22 to say for the record that the board was given a

1 copy of the offer in compromise.

2 MS. GEPHARDT: I apologize. As I was  
3 reading that, I had a ton of copies here.

4 CHAIR MILLER: No, we have them.

5 MS. GEPHARDT: Okay.

6 CHAIR MILLER: That's what I was  
7 saying, we have them but I thought it was  
8 important for you to put this on the record.

9 MS. GEPHARDT: Thank you.

10 CHAIR MILLER: So we have had an  
11 opportunity to read it ahead of time and consider  
12 it before even coming in and then hearing what  
13 you all have to say.

14 MS. GEPHARDT: Okay.

15 CHAIR MILLER: And I also want to say,  
16 we also have a copy of the security plan. So,  
17 first off, I want to ask Mr. Graham if you agree  
18 to this offer in compromise as read into the  
19 record?

20 MR. GRAHAM: Yes ma'am.

21 CHAIR MILLER: And do you understand  
22 that if you accept the offer in compromise, you

1 waive your right to a hearing?

2 MR. GRAHAM: Yes ma'am.

3 CHAIR MILLER: And you waive your  
4 right to an appeal of the terms.

5 MR. GRAHAM: Yes ma'am.

6 CHAIR MILLER: Okay. Alright. I  
7 think I have one basic question and then I want  
8 to open up to questions by board members. The  
9 security plan, did the Office of Attorney General  
10 review the security plan?

11 MS. GEPHARDT: Yes. We did review it  
12 and the Office of the Attorney General believes  
13 that it meets the requirements for a security  
14 plan and the Office of the Attorney General was  
15 satisfied with what was contained inside of this  
16 plan. There are a few corrections that do need  
17 to be made and I've already discussed it with the  
18 licensee. They are not major corrections. There  
19 is a few things that needed to be clarified but I  
20 don't know if Ms. --

21 MR. GRAHAM: Owens.

22 MS. GEPHARDT: Excuse me?

1 MR. GRAHAM: Owens.

2 MS. GEPHARDT: Ms. Owens, okay, if Ms.  
3 Owens wanted to tell you about them or what but  
4 there were just a few things that I had some  
5 corrections on.

6 CHAIR MILLER: I think it would be  
7 good to consider the security plan that you want  
8 us to consider so if there are corrections you  
9 want to bring to our attention.

10 MS. OWENS: The corrections in the  
11 section in reference to preserving a crime scene.

12 CHAIR MILLER: Okay.

13 MEMBER SILVERSTEIN: Could you please  
14 speak into the microphone so we can hear you a  
15 little better? Thank you.

16 MS. OWENS: Corrections, Section 4,  
17 preserving a crime scene. That was taken from  
18 the guidelines, the best practice for nightlife  
19 establishments directly from that. We wanted to  
20 use something that was as detailed as possible  
21 for your standards so we corrected that to  
22 personalize it for our establishment as far as

1 changing nightlife establishment to Halftime  
2 Sports Bar as well as in Section 9, with the  
3 incident log, we put that it will be maintained  
4 indefinitely and it will be secured in the main  
5 office.

6 CHAIR MILLER: Where is that?

7 MS. OWENS: In Section 9.

8 CHAIR MILLER: Okay.

9 MEMBER ALBERTI: Page 5, incident log.

10 CHAIR MILLER: So you have an updated  
11 security plan that reflects this?

12 MS. OWENS: Yes.

13 CHAIR MILLER: Maintaining  
14 indefinitely in the where?

15 MS. OWENS: Secured in the main  
16 office.

17 CHAIR MILLER: Alright. Anything  
18 else?

19 MS. OWENS: No. Those are all of the  
20 corrections that we went over.

21 CHAIR MILLER: I have one more  
22 question. Who is going to be doing the training?



1 MR. GRAHAM: For?

2 MS. GEPHARDT: For which?

3 CHAIR MILLER: Well you make reference  
4 to training throughout your OIC.

5 MR. GRAHAM: The training for first  
6 aid will be done by me. I'm a licensed, well I  
7 have certificates in first aid.

8 CHAIR MILLER: Okay.

9 MS. GRAHAM: I'm also a coach at my  
10 little one's school so you have to be trained in  
11 first aid through the Red Cross. I have my  
12 certificate here if you'd like to see it.  
13 Training for security, what we've done is we went  
14 out and hired a security company that will do our  
15 security at the bar, Thursdays, Fridays and  
16 Saturdays from 10 p.m. to 2 a.m.

17 MS. OWENS: The alcohol awareness  
18 training, you guys offer several different  
19 options for employees to take that training so we  
20 will utilize that as well. Conflict resolution  
21 training, the restaurant association website  
22 directs to Nightclub Security, a company that

1 offers conflict resolution training that we can  
2 provide the employees with when they are rehired  
3 or hired.

4 CHAIR MILLER: Thank you. Mr. Jones.

5 MEMBER JONES: Just a clarification  
6 question on the, let's see, it was first aid  
7 training.

8 MR. GRAHAM: Yes sir.

9 MEMBER JONES: So you are saying  
10 you've been trained in first aid?

11 MR. GRAHAM: Yes sir.

12 MEMBER JONES: Is there a different  
13 level of training that you need in order to be  
14 able to train other people?

15 MR. GRAHAM: Well your basic first aid  
16 training is how to stop --

17 MEMBER JONES: I understand. But is  
18 there a different level of training that is  
19 required in order for you to be able to  
20 officially train people in first aid.

21 MR. GRAHAM: I don't know that.

22 MEMBER JONES: I believe that there

1 potentially may be so just because you have been  
2 trained in first aid, doesn't mean that you are  
3 qualified to train others in how to give first  
4 aid. I just want to make sure that I was  
5 understanding the distinction that you were  
6 making and what certificates you have in front of  
7 you.

8 MR. GRAHAM: Uh-huh.

9 MEMBER JONES: Is that just that  
10 you've been trained or you've been certified as a  
11 trainer?

12 MR. GRAHAM: No, I've been trained.

13 MEMBER JONES: Okay.

14 MR. GRAHAM: So for right now, I'm the  
15 person that will be administering the first aid  
16 while the bar is open until we're able to, since  
17 the bar has been closed for a month, we have no  
18 staff so we've going to have to re-staff the bar  
19 so as we hire people, the training is done at Red  
20 Cross. It's a four-hour course.

21 MEMBER JONES: So in response to the  
22 Chair's question, the training as you have it

1 specified --

2 MR. GRAHAM: Right now. So none of  
3 the employees are trained.

4 MEMBER JONES: The training that you  
5 have specified in your security plan, the  
6 employees will be trained by Red Cross or they  
7 will be trained by you?

8 MR. GRAHAM: Probably by Red Cross.

9 MEMBER JONES: Thank you Madam Chair.

10 CHAIR MILLER: Other questions? I'm  
11 not hearing any. What's the status of your  
12 camera system?

13 MR. GRAHAM: We've just hired another  
14 company that will be out tomorrow to install a  
15 \$3,500 camera system with five cameras, a DVR  
16 with a CD burner that will actually burn a CD  
17 right there of the movements. It will hold and  
18 store up to 30 days worth of inventory of  
19 movement in the bar.

20 CHAIR MILLER: Okay. Others? Yes,  
21 Mr. Brooks?

22 MEMBER BROOKS: Yes, Mr. Graham,

1       whatever happened to your video that was  
2       downloaded and I guess the equipment, I'm not  
3       sure, that the police confiscated?

4               MR. GRAHAM: That's a good question,  
5       Mr. Brooks. The Metropolitan Police Department,  
6       I've not been able to secure it. I think Ms.  
7       Gephardt has tried. I think Ms., I can't think  
8       of her name.

9               MS. GEPHARDT: Jenkins?

10              MR. GRAHAM: Yes, Ms. Jenkins has.  
11       Nobody seems to know where it is. They took it  
12       out of the bar but nobody seems to know where it  
13       is at this point.

14              MEMBER BROOKS: So is that the answer  
15       they gave you?

16              MR. GRAHAM: That's what I've been  
17       told. I haven't been able to, I've called, I've  
18       got five or ten different phone numbers.

19              MEMBER BROOKS: But no --

20              MR. GRAHAM: No sir.

21              MEMBER BROOKS: No equipment, no  
22       cameras?

1 MR. GRAHAM: No sir. They took what's  
2 called the hard drive.

3 MEMBER BROOKS: Yes.

4 MR. GRAHAM: We still have the  
5 cameras.

6 MEMBER BROOKS: Okay.

7 MR. GRAHAM: But what we decided to do  
8 was just have a whole new system installed with a  
9 DVR. The system that they took was kind of new  
10 tech that would send stuff to the Cloud as they  
11 would say. So there would be no need for a DVR  
12 but we're going back to old school where we can  
13 actually burn a CD that she requested and  
14 actually give it to the board or Ms. Gephardt so  
15 that you can actually see the footage inside the  
16 bar.

17 MEMBER BROOKS: Okay. And this new  
18 equipment that you're proposing to install, will  
19 that be consisting of a Cloud?

20 MR. GRAHAM: No, no, no, no, no. A  
21 disk.

22 MEMBER BROOKS: Alright. Thank you

1 Madam Chair.

2 CHAIR MILLER: Others? Mr. Jones?

3 MEMBER JONES: How is your new video  
4 system proposed to be different than your old  
5 video system?

6 MR. GRAHAM: The old video system  
7 didn't have a burner on it, a CD burner.

8 MEMBER JONES: The old one, so how  
9 were the files stored in the old one?

10 MR. GRAHAM: In the Cloud.

11 MEMBER JONES: They were stored to the  
12 Cloud?

13 MS. OWENS: It was a hard drive.

14 MR. GRAHAM: It was a hard drive.

15 MS. OWENS: As well as a Cloud. It  
16 could be backed up to a Cloud. We could log on  
17 and record certain portions or store certain  
18 portions and the hard drive was what it was  
19 recording on that evening, they retrieved, the  
20 MPD took.

21 MEMBER JONES: Alright. Got it. So  
22 you had a local hard drive only with the ability

1 to do back-ups to the Cloud?

2 MS. OWENS: Yes.

3 MEMBER JONES: So if I remember  
4 correctly, part of the challenge related to the  
5 old system was knowledge of how to use it and  
6 retrieve files off of it.

7 MR. GRAHAM: Yes because --

8 MEMBER JONES: Is that part of  
9 something that you addressed in your security  
10 plan?

11 MR. GRAHAM: Say that again, I'm  
12 sorry.

13 MEMBER JONES: Is that part of  
14 something that you've addressed in the security  
15 plan?

16 MR. GRAHAM: Well the new system  
17 that's old school pretty much is relatively very  
18 simple to use. It's a DVR with a burner already  
19 built in it that contains a CD, I mean a DVD. So  
20 at any time you can go to it and it comes with a  
21 13" monitor so you can actually see in real time  
22 what's going on in the bar. So if you put in



1       yesterday's date, it would pull it up and would  
2       burn it on that CD for you if you'd like.

3               MEMBER JONES:   Okay.   So I think I  
4       understand what you're saying but I guess maybe  
5       my question wasn't really clear.   In a sense of  
6       what's simple to you may not be simple to me, may  
7       not be simple to Joe Blow employee that you have  
8       at your establishment.   Knowing part of that  
9       comes with training and part of the challenge  
10      that was in place before was that there wasn't  
11      someone available that was knowledgeable as to  
12      how to pull the information off of your video  
13      system.   So regardless of how simple it is, I  
14      just want to know that you have a mechanism in  
15      place to ensure that individuals who need to  
16      know, have the appropriate knowledge to pull off  
17      the information upon request to be in compliance  
18      with the timeframe that you have specified in  
19      your security plan.   So, that's really what I'm  
20      trying to get at because it probably wasn't that  
21      hard to get it off of your old system, it's just  
22      that you didn't know how to do it.   So, I'm just

1       trying to understand that you have a mechanism in  
2       place to ensure that we don't have these hiccups  
3       in the future.

4               MS. OWENS:   Yes.   Yes.

5               MEMBER JONES:   Okay.   And what are  
6       those mechanisms?

7               MS. OWENS:   We will all be trained on  
8       how to utilize the equipment.   Right now, there  
9       are no employees but as employees come on board,  
10      they will be trained on how to use the equipment  
11      because we don't want that issue again.

12              MEMBER JONES:   Okay.   So is that to say  
13      that every employee?

14              MS. OWENS:   No, manager, the managers.

15              MEMBER JONES:   Only the managers,  
16      okay.   Alright.

17              MR. OWENS:   It will be secured in the  
18      office, the hard drive, the DVR, all that stuff  
19      will be secured in the office where management  
20      only has access.

21              MEMBER JONES:   Thank you.   Thank you,  
22      Madam Chair.

1                   CHAIR MILLER: Others? I have basic  
2 question here with respect to when you're seeking  
3 the list of the suspension in connection with  
4 this offer in compromise, if the board were to  
5 approve the offer in compromise, there are items  
6 in here that say they won't be done until March  
7 10th for instance. The sample video. So, I just  
8 want to be clear what you're seeking with respect  
9 to that question time wise.

10                  MS. GEPHARDT: Well, I guess I hadn't  
11 thought that far ahead. I guess the thought was  
12 that we wanted to see what the training  
13 materials, the cameras, make sure they were up  
14 and running, see if we can pull video footage, if  
15 we can have all of this up and running then okay,  
16 we can open our doors. But if the board feels  
17 different than that --

18                  CHAIR MILLER: My question is, are you  
19 asking the board to consider lifting the  
20 suspension after March 10th when a sample video  
21 comes in and training materials are provided?

22                  MS. GEPHARDT: Yes.

1 CHAIR MILLER: You're not asking us to  
2 lift it today if we were to approve this offer in  
3 compromise?

4 MS. GEPHARDT: No, I believe March 10th  
5 would be the appropriate request because of what  
6 is, asking that these things be put in place and  
7 to ensure that they are done and then the  
8 suspension be lifted.

9 CHAIR MILLER: Okay.

10 MEMBER ALBERTI: Well I have a  
11 question on that. I mean so there is no time  
12 allowed for review by the Board? I mean, you're  
13 saying March 10th but you're hoping that they  
14 provide this.

15 CHAIR MILLER: I see what you're  
16 saying.

17 MEMBER ALBERTI: But we have video  
18 that needs to be reviewed. We have --

19 CHAIR MILLER: The training materials.

20 MEMBER ALBERTI: We have training  
21 materials that probably need to get reviewed.

22 CHAIR MILLER: Right.

1                   MEMBER ALBERTI: So, I'm not quite  
2 understanding the timeframe here.

3                   MS. GEPHARDT: Right. Okay. Well,  
4 let's see. I guess I'm not, I don't know what  
5 the Board would need in terms of how long the  
6 board would need to review that type of thing in  
7 order to feel comfortable with making the  
8 decision. Is that something that the Board can  
9 decide or is that something you want OIG to make  
10 that decision or?

11                  CHAIR MILLER: Well I just want to  
12 clarify at least. You weren't necessarily asking  
13 the Board to lift the suspension today.

14                  MS. GEPHARDT: No.

15                  CHAIR MILLER: So the next time we  
16 meet is March 11th so the question is yes, how far  
17 in advance would we need the materials you've  
18 stated March 10th you'd have a --

19                  MR. GRAHAM: Well, I mean, we'll have  
20 video tomorrow when it's installed. I can bring  
21 video.

22                  MS. GEPHARDT: That's true, I mean --

1 MR. GRAHAM: I mean, I don't really  
2 want to wait another week if we don't have to. I  
3 mean, we've lost an enormous amount of money as  
4 it is.

5 CHAIR MILLER: Okay.

6 MR. GRAHAM: The video system is being  
7 installed at 9 o'clock tomorrow morning.

8 CHAIR MILLER: Okay.

9 MS. GEPHARDT: The only thing would be  
10 like the training materials. It would be kind of  
11 odd that you would have those ready by tomorrow.  
12 I mean, so.

13 MR. GRAHAM: I think that we can.  
14 Well, for lack of better words, there are no  
15 employees to train besides myself, Ms. Owens and  
16 my son. We're the three employees of Halftime  
17 Sports Bar right now.

18 CHAIR MILLER: Okay.

19 MR. GRAHAM: We've been closed for  
20 five weeks. The employees that we had have found  
21 other jobs. It's the bar industry. You know,  
22 they have to eat also. The sooner I can get this

1 establishment back open, the sooner I can attract  
2 or start interviewing people to come and work,  
3 employees. But as long as I'm closed.

4 CHAIR MILLER: So you have your first  
5 aid training obviously.

6 MR. GRAHAM: Yes ma'am.

7 CHAIR MILLER: So what about the  
8 security aspect?

9 MR. GRAHAM: We've hired a company  
10 that's going to provide our security.

11 CHAIR MILLER: Okay.

12 MR. GRAHAM: And I apologize to the  
13 Board, the contract is in my truck. I was  
14 rushing. I can run out to the truck and get it.  
15 They are prepared to start tomorrow, the 5th.

16 CHAIR MILLER: Okay.

17 MR. GRAHAM: 10 p.m. to 2 a.m. as she  
18 requested, every Thursday, Friday and Saturday  
19 from 10 to 2, two guards with a wand, 100% ID  
20 check at the door, one is inside a floater, five  
21 camera system once again. Security guards are in  
22 full uniform with shirts and flash lights and --

1 CHAIR MILLER: So the only pending  
2 issue I see with that is when you are referring  
3 to detailed training materials, I don't know when  
4 you, and you don't have employees yet, when, oh,  
5 you plan to have those by March 10th? Is that  
6 what you said?

7 MS. OWENS: In reference to detailed  
8 training materials, I want to know what you guys  
9 are requesting to be presented to say when  
10 someone can provide that. If you want us to  
11 utilize an outside corporation to train  
12 employees, are we to go online. As far as what  
13 you really need, we can give a timeline on when  
14 we can provide that.

15 CHAIR MILLER: Okay. This was just in  
16 your presentation.

17 MR. GRAHAM: Right.

18 MEMBER JONES: So you're presenting to  
19 us.

20 MS. OWENS: No, no she, well --

21 MEMBER JONES: But you collectively to  
22 OIC, right?



1 MS. OWENS: Understood. However, as  
2 far as detailed training materials and a timeline  
3 for providing those so that we may open back up,  
4 we need a basis of what we need to provide.  
5 Training materials for the conflict resolution?  
6 We were just trying to figure out so we can give  
7 the timeline.

8 MEMBER JONES: Okay. Ms. Gephardt,  
9 what is your thought regarding that and are you  
10 completely sure that the licensee understands the  
11 terms of the OIC?

12 MS. GEPHARDT: Well I mean, when I  
13 think of training materials, I guess there is  
14 like for example, the Alcohol Awareness, there is  
15 first aid, there is conflict resolution but if  
16 these are going to be sort of outsourced  
17 trainings, I mean they are going to actually go  
18 to the Red Cross for the first aid, they are  
19 going to go to ABRA for Alcohol Awareness, I'm  
20 just trying to think of, the training materials  
21 that I'm thinking of are like how to deal with  
22 patron ejection and dealing with drunk patrons

1 and how to preserve a crime scene and those are  
2 the things I believe that the licensee can do and  
3 can develop training materials on for future  
4 employees.

5 MEMBER JONES: Okay.

6 MS. GEPHARDT: And those are the  
7 things that I think can be submitted to the Board  
8 for their review. So, I think looking for  
9 something like that in addition to giving the 10  
10 minutes of video footage would be needed in order  
11 to open up the doors.

12 CHAIR MILLER: The other thing I  
13 wanted to mention is that the Board usually has  
14 an investigator do a walkthrough once the cameras  
15 are up and inspect and do a little report that  
16 they are all positioned where they should be and  
17 they are all in working order, etc. So, I think  
18 that that's something else that we ought to have  
19 in place prior to lifting the suspension. So,  
20 when could that happen?

21 MR. GRAHAM: Tomorrow.

22 CHAIR MILLER: Tomorrow. That could

1       happen as early as tomorrow? Okay.

2               MEMBER JONES: So is that something  
3       that you're requesting be included as part of the  
4       OIC because that's not what's in there right now,  
5       Madam Chair?

6               CHAIR MILLER: I don't know. If it  
7       needs to be in there, it's something that I would  
8       suggest that they do. But if, I don't know that  
9       it needs to be added in their OIC. Do you? If  
10      you do.

11              MEMBER JONES: Well I will not vote in  
12      favor of it if it's not included as a term of the  
13      OIC that I would be officially voting on.

14              CHAIR MILLER: Okay. Alright.

15              MEMBER JONES: At a minimum.

16              MEMBER ALBERTI: Are we now  
17      renegotiating the OIC?

18              MEMBER JONES: I certainly hope not.

19              MEMBER ALBERTI: Well I mean, that  
20      sounds like the direction that is being suggested  
21      so I'm a little concerned.

22              MEMBER JONES: I'm a little concerned

1 myself. Thus the reason for my question.

2 MS. GEPHARDT: Well, I apologize.

3 Item number 5 on the OIC.

4 CHAIR MILLER: There it is. You're  
5 right.

6 MS. GEPHARDT: The walkthrough of the  
7 security system shall be conducted by ABRA  
8 investigator prior to the establishment opening.

9 CHAIR MILLER: Any other questions?  
10 Any other comments that the parties want to make  
11 before we consider this?

12 MEMBER JONES: Are you asking for  
13 comments that require feedback from the parties  
14 assembled or are you asking if there are any  
15 items that we'd like to discuss in closed  
16 session?

17 CHAIR MILLER: So I did ask parties if  
18 there are any other comments and I didn't hear  
19 any. So, would you like to address how the Board  
20 proceeds now with the offer in compromise?

21 MEMBER JONES: I would be interested  
22 in recessing so that I could seek guidance from

1 our legal counsel.

2 CHAIR MILLER: Any objection to that?  
3 Alright. I will have the Board vote on a meeting  
4 in closed session. As Chairperson of the  
5 Alcoholic Beverage Control Board for the District  
6 of Columbia, in accordance with Section 405 of  
7 the Open Meetings Amendment Act of 2010, I move  
8 that the ABC Board hold a closed meeting for the  
9 purpose of seeking legal advice from our counsel  
10 on Case number 15-251-00003, Halftime Sports Bar,  
11 per Section 405, B4, of the Open Meetings  
12 Amendment Act of 2010, and deliberating upon this  
13 offer in compromise for the reason cited in  
14 Section 405, B13, of the Open Meetings Amendment  
15 Act of 2010. Is there a second?

16 MEMBER SILVERSTEIN: Second.

17 CHAIR MILLER: Mr. Silverstein  
18 seconded the motion. We'll take a roll call vote  
19 now that the motion as been seconded. Mr.  
20 Brooks?

21 MEMBER BROOKS: I agree.

22 CHAIR MILLER: Mr. Alberti?

1 MEMBER ALBERTI: I agree.

2 CHAIR MILLER: Mr. Rodriguez?

3 MEMBER RODRIGUEZ: I agree.

4 CHAIR MILLER: Mr. Silverstein?

5 MEMBER SILVERSTEIN: I agree.

6 CHAIR MILLER: Mr. Jones?

7 MEMBER JONES: I agree.

8 CHAIR MILLER: Okay. So the motion  
9 passes on a 6-0-0 vote. The ABC Board will take  
10 a brief recess to consider the offer in  
11 compromise in light of the representation for the  
12 meeting this morning on the record and we'll come  
13 back and then address the OIC on the record.

14 (Whereupon, the above-entitled matter  
15 went off the record at 10:17 a.m. and resumed at  
16 10:50 a.m.)

17 CHAIR MILLER: Okay, the board is back  
18 on the record after having discussed in closed  
19 session the offer in compromise presenting in  
20 this case, and I'd like to say that I think there  
21 are a lot of good terms in here, but the board  
22 has some concerns about areas that just are not

1 specific enough to meet its satisfaction, and I'm  
2 going to call for a vote on the offer in  
3 compromise, and then let the parties know what  
4 areas we think need more specificity for the  
5 board to feel more comfortable in having this  
6 establishment reopen, so there is before us an  
7 offer in compromise at Halftime Sports Bar and I  
8 would move that we deny this offer in compromise.  
9 Do I have a second?

10 MEMBER SILVERSTEIN: Second.

11 CHAIR MILLER: Okay, Mr. Silverstein  
12 seconded the motion. All those in favor say aye.

13 (Chorus of ayes)

14 CHAIR MILLER: All those opposed? All  
15 those abstaining? Okay, motion passes 6-0-0. So  
16 what I want to say is I think that this has been  
17 an important hearing to hear your proposal for  
18 the offer in compromise, and I think it's  
19 important for you to hear back our concerns, and  
20 I think they are meetable, personally.

21 What we want to tell you at least what  
22 we would like to see in order to be able to

1 responsibly vote on the offer in compromise. One  
2 is the contract for the security company, which  
3 Mr. Graham mentioned that he has. We would like  
4 to see that in consideration of this offer in  
5 compromise to see what kind of security is  
6 actually going to be.

7 MEMBER SILVERSTEIN: I would suggest  
8 you take notes.

9 MS. OWENS: We are.

10 CHAIR MILLER: So we have an idea the  
11 specificity of the type of security that's  
12 actually going to be at this establishment.  
13 Number two, there was a grayness, to say the  
14 least, with respect to training as to who was  
15 going to be trained, what exactly the training  
16 was going to be, and it seems to be tied to the  
17 security plan, but it's not really specified in  
18 any way, and as the board requests, almost in all  
19 cases like this, the training materials for the  
20 specific training that's going to be offered so  
21 we know that adequate training will be taking  
22 place or appropriate training. And that should



1 indicate whose going to take what training and  
2 what the training materials are for each type of  
3 training, and some type of proof that someone has  
4 been trained prior to the establishment being  
5 open.

6 We also talked about a walkthrough by  
7 our investigator of the camera system that's  
8 going to be put in place. I think this OIC  
9 doesn't really speak to the board's approval of  
10 that camera system as represented as being  
11 adequate by the investigator. So the same with  
12 the training plans. The board wants to review  
13 and approve the adequacy of both camera system  
14 and training. I'm not sure if I have left  
15 anything out that board members feel that they  
16 would like to have in order to adequately review,  
17 if there is another offer in compromise that  
18 would be presented. Anything?

19 MR. GRAHAM: You could also set the  
20 date.

21 CHAIR MILLER: Otherwise, the date for  
22 the show cause hearing is April 29th if you don't

1       come back with any other offer in compromise, but  
2       those are the issues in any event that the board  
3       would want to consider. Anything else?

4               MR. GRAHAM: Did I understand? You  
5       said April 29th?

6               CHAIR MILLER: April 29th is your show  
7       cause hearing. You're welcome to come back prior  
8       to that if you have all these materials together  
9       and can meet the concerns of the board as just  
10      articulated.

11              MEMBER JONES: Just for clarification,  
12      you have every right to come back prior to that  
13      with another offer in compromise.

14              MR. GRAHAM: Okay, so we could come  
15      back next Wednesday?

16              MEMBER JONES: You could come back  
17      prior to the 29th.

18              MR. GRAHAM: Okay, okay.

19              MEMBER JONES: With another offer in  
20      compromise.

21              CHAIR MILLER: When you're ready you  
22      just for a date.

1 MR. GRAHAM: Okay.

2 MEMBER ALBERTI: Well, it somewhat  
3 depends on the board's schedule. So they will  
4 have to work with our general counsel to find a  
5 hearing date.

6 MR. GRAHAM: Right, okay.

7 MEMBER ALBERTI: If they want to  
8 appear before us before the show cause hearing.

9 CHAIR MILLER: If you have any  
10 questions, I think Ms. Gephardt pretty much  
11 understands the process, and otherwise you can  
12 tell our general counsel, Martha Jenkins. Did  
13 you guys have something else? Mr. Silverstein?

14 MEMBER SILVERSTEIN: Yes, I want to  
15 thank you for working this far on it. There's an  
16 old saying that if you don't know where you're  
17 going, any path will get you there, and what we  
18 wanted to do with this is to give you a specific  
19 path. The issues with which we had some question  
20 where we want specificity. If you're going to  
21 have a security firm we want to make sure, for  
22 example, that that security firm knows what

1       you've promised, and that they'll live by those  
2       types of things that we want the specificity, and  
3       with that we can move forward and the path is  
4       more clear.

5               MR. GRAHAM: I just have one question.

6               CHAIR MILLER: Okay.

7               MR. GRAHAM: Of the things that you  
8       just outlined, once those things are addressed,  
9       then this offer in compromise will be accepted by  
10      the board? Is that what you're saying?

11              CHAIR MILLER: I can't really say  
12      that. What you can do is these are our concerns.

13              MR. GRAHAM: Okay.

14              CHAIR MILLER: You can rework a little  
15      bit an offer in compromise because it had those  
16      failings in it.

17              MR. GRAHAM: Okay.

18              CHAIR MILLER: So I can't guarantee  
19      anything before the board takes a vote, but I can  
20      say that those were the board's concerns.

21              MR. GRAHAM: Okay.

22              CHAIR MILLER: Yes.

1 MS. GEPHARDT: Madame Chair, one of  
2 the things that you said at the end, did you say  
3 that the training materials need to be approved  
4 by the board? Did you say that had to be part of  
5 the, or that was one of the things the board  
6 would like to see?

7 CHAIR MILLER: Yes, I mean, if you all  
8 are representing that there are materials, show  
9 them to us. You know, even if --

10 MS. GEPHARDT: Okay.

11 CHAIR MILLER: They don't have to be

12 --

13 MEMBER ALBERTI: I think the idea is  
14 that we're not approving training materials, we  
15 are validating that the training materials that  
16 are presented to us meet the promises in this OIC  
17 and the security plan.

18 MS. GEPHARDT: Right.

19 MEMBER ALBERTI: Live up to those  
20 commitments, alright? So we're not approving the  
21 training materials, we are just validating that  
22 what is presented to us meets what has been

1 presented in the OIC and the plan.

2 MS. GEPHARDT: Okay.

3 MEMBER JONES: And purpose for general  
4 clarification, for further clarification. For  
5 example, if you submit training packages and it  
6 is missing an element how to preserve a crime  
7 scene, that's a problem because that's something  
8 that you specifically note in the security plan  
9 that you're going to do. So if you don't have  
10 training that covers that and there aren't  
11 details related to how that training is being  
12 presented, then that's a hole. We're not  
13 approving that it is good or bad training, we're  
14 just approving that the elements are addressed.

15 MS. GEPHARDT: Okay, got you.

16 CHAIR MILLER: I think I also want to  
17 pick up on what Mr. Silverstein said, I think is  
18 saying. You know, some of the security plan had  
19 best practice stuff in it, and then you have this  
20 security company hanging out there. For me, if  
21 you could, if this security company could  
22 evaluate your particular establishment and said

1 this is what's appropriate for this  
2 establishment.

3 MR. GRAHAM: Yes, that's what's in the  
4 write up.

5 CHAIR MILLER: Okay. Alright.

6 MR. GRAHAM: Yes, that's done. I have  
7 the full three page write up of what they'll do  
8 at the bar, how it's done, I'm just frustrated.  
9 I'm sorry.

10 CHAIR MILLER: So when you get it all  
11 together and it matches that'll be good.  
12 Alright.

13 MR. GRAHAM: Alright.

14 CHAIR MILLER: Anything else?

15 MEMBER JONES: Thank you.

16 CHAIR MILLER: Okay, thank you.

17 MS. GEPHARDT: Alright, thank you.

18 MR. GRAHAM: Thank you.

19 (Whereupon, case No. 15-251-00003 was  
20 concluded at 10:59 a.m.)  
21  
22

<b>A</b>			
<b>\$2,000</b> 6:20	26:16 35:14 37:3	22:16 24:22 30:17,21	<b>cases</b> 40:19
<b>\$3,500</b> 20:15	45:20 47:5,12,13,17	37:10 39:7 47:8	<b>cause</b> 1:6 6:14 41:22
<b>a.m</b> 2:2 17:16 31:17	<b>altercation</b> 11:3	<b>basic</b> 14:7 18:15 27:1	42:7 43:8
38:15,16 47:20	<b>altercations</b> 9:14	<b>basis</b> 10:8 33:4	<b>CD</b> 20:16,16 22:13 23:7
<b>ABC</b> 7:6,8 8:21 37:8	<b>Amendment</b> 37:7,12,14	<b>Beach</b> 1:5	24:19 25:2
38:9	<b>amount</b> 30:3	<b>beg</b> 5:7	<b>cell</b> 2:21
<b>ability</b> 23:22	<b>answer</b> 21:14	<b>behalf</b> 4:18	<b>certain</b> 2:22 23:17,17
<b>able</b> 9:4 18:14,19 19:16	<b>apologize</b> 13:2 31:12	<b>believe</b> 18:22 28:4 34:2	<b>certainly</b> 35:18
21:6,17 39:22	36:2	<b>believes</b> 14:12	<b>certificate</b> 17:12
<b>above-entitled</b> 38:14	<b>appeal</b> 14:4	<b>best</b> 15:18 46:19	<b>certificates</b> 17:7 19:6
<b>ABRA</b> 8:22 10:13,14	<b>appear</b> 43:8	<b>better</b> 15:15 30:14	<b>certified</b> 19:10
12:4 33:19 36:7	<b>appended</b> 8:4	<b>Beverage</b> 1:2,11,12 2:6	<b>Chair</b> 2:3 3:21 4:1,10,13
<b>abstaining</b> 39:15	<b>applicable</b> 7:11	6:12 37:5	4:16,20 5:2,5,8,11,18
<b>accept</b> 6:16 13:22	<b>appropriate</b> 9:15 25:16	<b>bit</b> 5:20 44:15	6:1 12:21 13:4,6,10
<b>accepted</b> 7:8 44:9	28:5 40:22 47:1	<b>blind</b> 7:22	13:15,21 14:3,6 15:6
<b>access</b> 26:20	<b>approval</b> 8:20 41:9	<b>Blow</b> 25:7	15:12 16:6,8,10,13,17
<b>Act</b> 3:7,10 37:7,12,15	<b>approve</b> 27:5 28:2	<b>board</b> 1:2,11 2:6 3:9	16:21 17:3,8 18:4
<b>actions</b> 2:20	41:13	5:17 6:12,16 7:6,8	20:9,10,20 23:1,2
<b>added</b> 35:9	<b>approved</b> 45:3	8:21 12:11,14,16,22	26:22 27:1,18 28:1,9
<b>addition</b> 7:3 34:9	<b>approving</b> 45:14,20	14:8 22:14 26:9 27:4	28:15,19,22 29:11,15
<b>address</b> 8:8 36:19	46:13,14	27:16,19 28:12 29:5,6	30:5,8,18 31:4,7,11
38:13	<b>April</b> 41:22 42:5,6	29:8,13 31:13 34:7,13	31:16 32:1,15 34:12
<b>addressed</b> 10:21 24:9	<b>areas</b> 38:22 39:4	36:19 37:3,5,8 38:9	34:22 35:5,6,14 36:4
24:14 44:8 46:14	<b>articulated</b> 42:10	38:17,21 39:5 40:18	36:9,17 37:2,17,22
<b>addresses</b> 6:10 7:15	<b>asking</b> 27:19 28:1,6	41:12,15 42:2,9 44:10	38:2,4,6,8,17 39:11
<b>adequacy</b> 41:13	29:12 36:12,14	44:19 45:4,5	39:14 40:10 41:21
<b>adequate</b> 40:21 41:11	<b>aspect</b> 31:8	<b>board's</b> 41:9 43:3 44:20	42:6,21 43:9 44:6,11
<b>adequately</b> 41:16	<b>assembled</b> 36:14	<b>brandished</b> 6:7	44:14,18,22 45:1,7,11
<b>adjudication</b> 3:14	<b>assistance</b> 8:12	<b>brief</b> 38:10	46:16 47:5,10,14,16
<b>administering</b> 19:15	<b>Assistant</b> 6:13	<b>bring</b> 5:12 11:13 15:9	<b>Chair's</b> 19:22
<b>advance</b> 29:17	<b>association</b> 17:21	29:20	<b>Chairperson</b> 1:13,15
<b>advice</b> 3:13 37:9	<b>attendance</b> 2:13	<b>Brooks</b> 1:16 2:8,9	2:7 37:4
<b>advised</b> 6:14	<b>attention</b> 5:13 10:4 15:9	20:21,22 21:5,14,19	<b>challenge</b> 24:4 25:9
<b>agenda</b> 2:16	<b>attorney</b> 1:20 3:12 4:18	21:21 22:3,6,17,22	<b>changing</b> 16:1
<b>aggressive</b> 9:16	6:13 14:9,12,14	37:20,21	<b>charge</b> 6:3,5,20
<b>agree</b> 13:17 37:21 38:1	<b>attract</b> 31:1	<b>Building</b> 1:12	<b>charged</b> 12:9,12,13
38:3,5,7	<b>available</b> 2:16 10:11	<b>built</b> 24:19	<b>charges</b> 12:6
<b>agreed</b> 5:16	12:3 25:11	<b>burn</b> 20:16 22:13 25:2	<b>check</b> 31:20
<b>agreeing</b> 6:19	<b>Avenue</b> 1:5	<b>burner</b> 20:16 23:7,7	<b>Chorus</b> 39:13
<b>agreements</b> 3:13	<b>avoid</b> 3:1	24:18	<b>Chrissy</b> 1:20 4:17
<b>agrees</b> 12:18	<b>aware</b> 2:17	<b>business</b> 2:14 9:6 10:6	<b>cited</b> 37:13
<b>ahead</b> 13:11 27:11	<b>awareness</b> 17:17 33:14		<b>clarification</b> 18:5 42:11
<b>aid</b> 17:6,7,11 18:6,10,15	33:19		46:4,4
18:20 19:2,4,15 31:5	<b>aye</b> 39:12		<b>clarified</b> 14:19
33:15,18	<b>ayes</b> 39:13		<b>clarify</b> 29:12
<b>aide</b> 9:18			<b>clear</b> 25:5 27:8 44:4
<b>Alberti</b> 1:16 2:9,10 16:9			<b>close</b> 9:6 10:5
28:10,17,20 29:1			<b>closed</b> 3:10 19:17
35:16,19 37:22 38:1			30:19 31:3 36:15 37:4
43:2,7 45:13,19			37:8 38:18
<b>alcohol</b> 17:17 33:14,19			<b>Cloud</b> 22:10,19 23:10
<b>Alcoholic</b> 1:2,11,12 2:5			23:12,15,16 24:1
6:12 37:5			<b>coach</b> 17:9
<b>allow</b> 11:11			<b>Code</b> 6:7 7:13
<b>allowed</b> 28:12			<b>collectively</b> 32:21
<b>alright</b> 2:3 5:11 14:6			<b>Columbia</b> 1:1 11:10
16:17 22:22 23:21			37:6
			<b>Columbia's</b> 2:5
			<b>come</b> 3:2 26:9 31:2
<b>B</b>		<b>C</b>	
<b>B</b> 7:17	26:16 35:14 37:3	<b>C</b> 2:1 7:20	
<b>B13</b> 37:14	45:20 47:5,12,13,17	<b>calendar</b> 2:15 3:17,17	
<b>B4</b> 37:11	<b>altercation</b> 11:3	<b>call</b> 3:2 11:3 37:18 39:2	
<b>back</b> 22:12 31:1 33:3	<b>altercations</b> 9:14	<b>called</b> 21:17 22:2	
38:13,17 39:19 42:1,7	<b>Amendment</b> 37:7,12,14	<b>calling</b> 8:11 9:20	
42:12,15,16	<b>amount</b> 30:3	<b>camera</b> 7:18 9:9 20:12	
<b>back-ups</b> 24:1	<b>answer</b> 21:14	20:15 31:21 41:7,10	
<b>backed</b> 23:16	<b>apologize</b> 13:2 31:12	41:13	
<b>bad</b> 46:13	36:2	<b>cameras</b> 7:19,21 8:3,17	
<b>bar</b> 1:5,6 3:18 4:4,6,9	<b>appeal</b> 14:4	9:5 20:15 21:22 22:5	
4:11 16:2 17:15 19:16	<b>appear</b> 43:8	27:13 34:14	
19:17,18 20:19 21:12	<b>appended</b> 8:4	<b>Carl</b> 4:3	
	<b>applicable</b> 7:11	<b>carry</b> 11:8	
	<b>appropriate</b> 9:15 25:16	<b>carrying</b> 6:5	
	28:5 40:22 47:1	<b>case</b> 1:9 3:2,8,12,17,17	
	<b>approval</b> 8:20 41:9	37:10 38:20 47:19	
	<b>approve</b> 27:5 28:2		
	41:13		
	<b>approved</b> 45:3		
	<b>approving</b> 45:14,20		
	46:13,14		
	<b>April</b> 41:22 42:5,6		
	<b>areas</b> 38:22 39:4		
	<b>articulated</b> 42:10		
	<b>asking</b> 27:19 28:1,6		
	29:12 36:12,14		
	<b>aspect</b> 31:8		
	<b>assembled</b> 36:14		
	<b>assistance</b> 8:12		
	<b>Assistant</b> 6:13		
	<b>association</b> 17:21		
	<b>attendance</b> 2:13		
	<b>attention</b> 5:13 10:4 15:9		
	<b>attorney</b> 1:20 3:12 4:18		
	6:13 14:9,12,14		
	<b>attract</b> 31:1		
	<b>available</b> 2:16 10:11		
	12:3 25:11		
	<b>Avenue</b> 1:5		
	<b>avoid</b> 3:1		
	<b>aware</b> 2:17		
	<b>awareness</b> 17:17 33:14		
	33:19		
	<b>aye</b> 39:12		
	<b>ayes</b> 39:13		



38:12 42:1,7,12,14,16  
**comes** 24:20 25:9  
 27:21  
**comfortable** 29:7 39:5  
**coming** 13:12  
**comments** 36:10,13,18  
**commitments** 45:20  
**company** 17:14,22  
 20:14 31:9 40:2 46:20  
 46:21  
**completely** 33:10  
**completion** 10:18  
**compliance** 7:11 25:17  
**compromise** 5:16 6:2,9  
 6:11,15,18 10:22 13:1  
 13:18,22 27:4,5 28:3  
 36:20 37:13 38:11,19  
 39:3,7,8,18 40:1,5  
 41:17 42:1,13,20 44:9  
 44:15  
**concerned** 35:21,22  
**concerns** 38:22 39:19  
 42:9 44:12,20  
**concluded** 47:20  
**concludes** 3:15  
**conditions** 12:19  
**conduct** 2:14 11:4  
**conducted** 8:22 36:7  
**confiscated** 21:3  
**conflict** 17:20 18:1 33:5  
 33:15  
**connection** 27:3  
**consider** 13:11 15:7,8  
 27:19 36:11 38:10  
 42:3  
**consideration** 40:4  
**consistent** 3:9  
**consisting** 22:19  
**consists** 6:18  
**constitute** 2:14  
**consult** 3:12  
**contact** 10:1  
**contained** 11:1 14:15  
**contains** 24:19  
**continue** 7:17  
**contract** 31:13 40:2  
**Control** 1:2,11,12 2:6  
 6:12 37:5  
**controlling** 9:15  
**convicted** 12:13  
**conviction** 12:15  
**copies** 2:15 10:13 13:3  
**copy** 9:8 13:1,16  
**core** 10:19  
**corporation** 32:11  
**correct** 3:6 4:14 5:6  
**corrected** 15:21  
**corrections** 14:16,18  
 15:5,8,10,16 16:20

**correctly** 24:4  
**counsel** 37:1,9 43:4,12  
**course** 19:20  
**court** 2:18  
**cover** 10:21  
**covers** 46:10  
**crime** 7:16 10:11,15  
 15:11,17 34:1 46:6  
**criminal** 12:5  
**criminally** 12:9,12  
**Cross** 17:11 19:20 20:6  
 20:8 33:18  
**CT** 1:7

---

**D**


---

**D** 2:1 8:1  
**D.C** 1:13  
**dangerous** 11:13  
**date** 25:1 41:20,21  
 42:22 43:5  
**days** 6:22 7:1,2,2,3  
 10:16 12:11,15 20:18  
**DC** 6:6 7:13  
**deal** 33:21  
**dealing** 33:22  
**decide** 29:9  
**decided** 22:7  
**decision** 3:14 29:8,10  
**deliberate** 3:14  
**deliberating** 37:12  
**Deneira** 4:5,8  
**deny** 39:8  
**Department** 21:5  
**depends** 43:3  
**desk** 2:16  
**detailed** 9:12 10:7  
 15:20 32:3,7 33:2  
**detailing** 8:6  
**details** 46:11  
**detaining** 9:15  
**determination** 12:16  
**develop** 34:3  
**devices** 2:21  
**diagram** 8:1  
**different** 17:18 18:12  
 18:18 21:18 23:4  
 27:17  
**direction** 35:20  
**directly** 15:19  
**directs** 17:22  
**discretion** 6:16  
**discuss** 3:13 36:15  
**discussed** 14:17 38:18  
**disk** 22:21  
**disruptive** 2:19  
**distinction** 19:5  
**District** 1:1 2:5 11:10  
 37:5

**doing** 16:22  
**Donald** 1:16 2:8  
**door** 31:20  
**doors** 27:16 34:11  
**downloaded** 21:2  
**drafting** 8:9  
**drive** 22:2 23:13,14,18  
 23:22 26:18  
**drunk** 33:22  
**duty** 9:3  
**DVD** 24:19  
**DVR** 20:15 22:9,11  
 24:18 26:18

---

**E**


---

**E** 2:1,1 8:5  
**early** 35:1  
**eat** 30:22  
**Eight** 9:11  
**Eighteen** 11:19  
**ejection** 8:13 33:22  
**electronic** 2:21  
**element** 46:6  
**elements** 46:14  
**Eleven** 10:5  
**employed** 11:20  
**employee** 4:12,13  
 11:22 12:2 25:7 26:13  
**employees** 9:18,21  
 10:9 11:12 17:19 18:2  
 20:3,6 26:9,9 30:15  
 30:16,20 31:3 32:4,12  
 34:4  
**enormous** 30:3  
**ensure** 3:6 10:17 25:15  
 26:2 28:7  
**enter** 3:10  
**entering** 11:16  
**entrance** 8:15 11:7  
**equipment** 9:4 21:2,21  
 22:18 26:8,10  
**establishment** 6:8 7:5,9  
 7:16,17,20 8:1,8,14  
 8:19 9:1,5,14,19 10:3  
 10:20 11:4,7,10,14,17  
 11:21 12:3 15:22 16:1  
 25:8 31:1 36:8 39:6  
 40:12 41:4 46:22 47:2  
**establishment's** 8:2,9  
 8:11 9:9  
**establishments** 15:19  
**evaluate** 46:22  
**evening** 23:19  
**event** 12:8,12 42:2  
**exactly** 40:15  
**example** 33:14 43:22  
 46:5  
**Excuse** 14:22

**explain** 4:10

---

**F**


---

**F** 8:10  
**facilitate** 8:4  
**failings** 44:16  
**far** 2:8 15:22 27:11  
 29:16 32:12 33:2  
 43:15  
**favor** 35:12 39:12  
**feedback** 36:13  
**feel** 29:7 39:5 41:15  
**feels** 27:16  
**felony** 12:14  
**Fifteen** 11:6  
**figure** 33:6  
**filed** 12:6  
**files** 23:9 24:6  
**finally** 12:5  
**find** 43:4  
**fine** 6:20,21  
**firearm** 6:8  
**firearms** 11:13  
**firm** 43:21,22  
**first** 3:17 6:21 13:17  
 17:5,7,11 18:6,10,15  
 18:20 19:2,3,15 31:4  
 33:15,18  
**fitness** 12:16  
**five** 8:16 20:15 21:18  
 30:20 31:20  
**flash** 31:22  
**floater** 31:20  
**floor** 8:2  
**following** 6:19  
**follows** 6:11  
**footage** 9:8 10:15 22:15  
 27:14 34:10  
**foregoing** 12:18  
**forward** 3:3 44:3  
**found** 30:20  
**Four** 7:10  
**four-hour** 19:20  
**Fourteen** 11:2  
**Friday** 11:17 31:18  
**Fridays** 17:15  
**front** 3:4 19:6  
**frustrated** 47:8  
**full** 7:11 31:22 47:7  
**fully** 9:4  
**further** 46:4  
**future** 10:10 26:3 34:3

---

**G**


---

**G** 2:1 8:12  
**general** 1:20 4:19 6:13  
 14:9,12,14 43:4,12  
 46:3

**Gephardt** 1:20 3:22  
4:17,17 5:14,19 6:2  
13:2,5,9,14 14:11,22  
15:2 17:2 21:7,9  
22:14 27:10,22 28:4  
29:3,14,22 30:9 33:8  
33:12 34:6 36:2,6  
43:10 45:1,10,18 46:2  
46:15 47:17  
**give** 19:3 22:14 32:13  
33:6 43:18  
**given** 10:13 12:22  
**giving** 34:9  
**go** 24:20 32:12 33:17  
33:19  
**going** 3:16 16:22 19:18  
22:12 24:22 31:10  
33:16,17,19 39:2 40:6  
40:12,15,16,20 41:1,8  
43:17,20 46:9  
**good** 2:3 3:20,21,22  
15:7 21:4 38:21 46:13  
47:11  
**Graham** 3:20 4:3,3,14  
4:15,21 5:1,4,7,10 6:7  
12:7,9,10,12 13:17,20  
14:2,5,21 15:1 17:1,5  
17:9 18:8,11,15,21  
19:8,12,14 20:2,8,13  
20:22 21:4,10,16,20  
22:1,4,7,20 23:6,10  
23:14 24:7,11,16  
29:19 30:1,6,13,19  
31:6,9,12,17 32:17  
34:21 40:3 41:19 42:4  
42:14,18 43:1,6 44:5  
44:7,13,17,21 47:3,6  
47:13,18  
**grayness** 40:13  
**guarantee** 44:18  
**guards** 31:19,21  
**guess** 21:2 25:4 27:10  
27:11 29:4 33:13  
**guidance** 36:22  
**guidelines** 15:18  
**guys** 17:18 32:8 43:13

**H**

**H** 1:7 3:19 8:13  
**Halftime** 1:6 3:18 4:3,5  
4:8,11 16:1 30:16  
37:10 39:7  
**handle** 9:13  
**hanging** 46:20  
**happen** 34:20 35:1  
**happened** 6:4 21:1  
**hard** 22:2 23:13,14,18  
23:22 25:21 26:18

**hear** 15:14 36:18 39:17  
39:19  
**hearing** 1:7,12 2:15,20  
3:8,11 4:21,22 5:6,9  
13:12 14:1 20:11  
39:17 41:22 42:7 43:5  
43:8  
**Hector** 1:18 2:10  
**HERMAN** 1:17  
**hiccups** 26:2  
**hire** 19:19  
**hired** 17:14 18:3 20:13  
31:9  
**hiring** 12:1  
**hold** 20:17 37:8  
**hole** 46:12  
**hope** 35:18  
**hoping** 28:13  
**hours** 10:14

**I**

**ID** 31:19  
**idea** 40:10 45:13  
**ill** 9:19  
**illegal** 11:8  
**immediately** 10:1,2,12  
11:3  
**important** 13:8 39:17  
39:19  
**incidences** 6:10  
**incident** 8:6,10 10:2  
16:3,9  
**incidents** 6:4 8:7 12:7,9  
**include** 10:19  
**included** 35:3,12  
**includes** 7:15  
**including** 7:12 9:14,19  
11:9  
**incorporate** 9:11  
**incorporates** 7:14  
**indefinitely** 16:4,14  
**indicate** 41:1  
**indicating** 11:8  
**individuals** 25:15  
**industry** 30:21  
**information** 25:12,17  
**injured** 9:18  
**inside** 6:8 8:7 9:19 10:2  
14:15 22:15 31:20  
**inspect** 34:15  
**install** 20:14 22:18  
**installed** 22:8 29:20  
30:7  
**instance** 27:7  
**interested** 36:21  
**interruption** 3:1  
**interviewing** 31:2  
**introduce** 4:2

**introductory** 3:15  
**inventory** 20:18  
**investigations** 8:4  
**investigator** 8:22 34:14  
36:8 41:7,11  
**investigators** 10:13,14  
**involves** 6:4  
**involving** 10:15  
**issue** 5:6,9,15 26:11  
32:2  
**issues** 5:12 42:2 43:19  
**item** 36:3  
**items** 10:21,22 27:5  
36:15

**J**

**James** 1:17 2:12  
**January** 6:4 12:8,10  
**Jenkins** 21:9,10 43:12  
**job** 11:22  
**jobs** 30:21  
**Joe** 25:7  
**Joining** 2:8  
**Jones** 1:17 18:4,5,9,12  
18:17,22 19:9,13,21  
20:4,9 23:2,3,8,11,21  
24:3,8,13 25:3 26:5  
26:12,15,21 32:18,21  
33:8 34:5 35:2,11,15  
35:18,22 36:12,21  
38:6,7 42:11,16,19  
46:3 47:15

**K**

**Karl** 12:7  
**kept** 11:21  
**kind** 22:9 30:10 40:5  
**know** 14:20 18:21 21:11  
21:12 25:14,16,22  
29:4 30:21 32:3,8  
35:6,8 39:3 40:21  
43:16 45:9 46:18  
**Knowing** 25:8  
**knowledge** 24:5 25:16  
**knowledgeable** 25:11  
**knows** 43:22

**L**

**lack** 30:14  
**law** 11:5  
**laws** 7:11  
**left** 2:10 41:14  
**legal** 3:12 37:1,9  
**lengthy** 5:20  
**let's** 18:6 29:4  
**level** 18:13,18  
**license** 1:8 3:19 6:6,22  
**licensed** 11:9,14 17:6

**licensee** 6:19 7:4 8:6  
9:2,7,11,17,21 10:6  
10:10,17 11:2,6,11,15  
11:19 12:18 14:18  
33:10 34:2  
**licensee's** 8:5,12 10:8  
11:1 12:7  
**licensure** 12:17  
**lift** 28:2 29:13  
**lifted** 28:8  
**lifting** 27:19 34:19  
**light** 38:11  
**lights** 31:22  
**list** 11:20 27:3  
**listed** 11:22  
**lists** 12:1  
**little** 5:19 15:15 17:10  
34:15 35:21,22 44:14  
**live** 44:1 45:19  
**LLC** 1:6  
**local** 23:22  
**located** 3:18  
**location** 8:1,2  
**log** 8:6,10 16:3,9 23:16  
long 29:5 31:3  
**looking** 34:8  
**lost** 30:3  
**lot** 38:21

**M**

**ma'am** 4:15 5:1,4,10  
13:20 14:2,5 31:6  
**Madam** 20:9 23:1 26:22  
35:5  
**Madame** 45:1  
**main** 16:4,15  
**maintain** 8:6  
**maintained** 8:3 10:16  
16:3  
**maintaining** 8:10 16:13  
**major** 14:18  
**making** 19:6 29:7  
**management** 26:19  
**manager** 9:3 26:14  
**managers** 11:12 26:14  
26:15  
**March** 1:10 2:6 7:7 9:7  
10:6 27:6,20 28:4,13  
29:16,18 32:5  
**Martha** 43:12  
**matches** 47:11  
**materials** 10:7 27:13,21  
28:19,21 29:17 30:10  
32:3,8 33:2,5,13,20  
34:3 40:19 41:2 42:8  
45:3,8,14,15,21  
**matter** 1:4 6:3 12:20  
38:14

**matters** 7:14  
**mean** 19:2 24:19 28:11  
 28:12 29:19,22 30:1,3  
 30:12 33:12,17 35:19  
 45:7  
**mechanism** 25:14 26:1  
**mechanisms** 26:6  
**medical** 9:20 10:4  
**meet** 8:20 29:16 39:1  
 42:9 45:16  
**meetable** 39:20  
**meeting** 1:3 2:5 3:11  
 37:3,8 38:12  
**Meetings** 3:7,10 37:7  
 37:11,14  
**meets** 14:13 45:22  
**Member** 1:16,16,17,17  
 1:18,18 4:7 15:13  
 16:9 18:5,9,12,17,22  
 19:9,13,21 20:4,9,22  
 21:14,19,21 22:3,6,17  
 22:22 23:3,8,11,21  
 24:3,8,13 25:3 26:5  
 26:12,15,21 28:10,17  
 28:20 29:1 32:18,21  
 33:8 34:5 35:2,11,15  
 35:16,18,19,22 36:12  
 36:21 37:16,21 38:1,3  
 38:5,7 39:10 40:7  
 42:11,16,19 43:2,7,14  
 45:13,19 46:3 47:15  
**members** 2:13 14:8  
 41:15  
**mention** 34:13  
**mentioned** 40:3  
**met** 1:11  
**methods** 9:15  
**Metropolitan** 21:5  
**MICHAEL** 1:18  
**microphone** 15:14  
**Mike** 2:11  
**Miller** 1:13,15 2:3,7  
 3:21 4:1,10,13,16,20  
 5:2,5,8,11,18 6:1  
 12:21 13:4,6,10,15,21  
 14:3,6 15:6,12 16:6,8  
 16:10,13,17,21 17:3,8  
 18:4 20:10,20 23:2  
 27:1,18 28:1,9,15,19  
 28:22 29:11,15 30:5,8  
 30:18 31:4,7,11,16  
 32:1,15 34:12,22 35:6  
 35:14 36:4,9,17 37:2  
 37:17,22 38:2,4,6,8  
 38:17 39:11,14 40:10  
 41:21 42:6,21 43:9  
 44:6,11,14,18,22 45:7  
 45:11 46:16 47:5,10  
 47:14,16

**minimum** 35:15  
**minutes** 9:9 34:10  
**misdeemeanor** 12:14  
**missing** 46:6  
**money** 30:3  
**monitor** 24:21  
**month** 19:17  
**morning** 2:3,13 3:20,21  
 3:22 5:17 30:7 38:12  
**morning's** 3:16  
**motion** 37:18,19 38:8  
 39:12,15  
**move** 37:7 39:8 44:3  
**movement** 20:19  
**movements** 20:17  
**MPD** 8:12 10:1,12,14  
 12:4 23:20

---

**N**


---

**N** 2:1  
**N.W** 1:12  
**name** 2:7 3:6 21:8  
**NE** 1:7 3:19  
**near** 11:7  
**necessarily** 29:12  
**necessary** 9:4,22  
**need** 14:16 18:13 22:11  
 25:15 28:21 29:5,6,17  
 32:13 33:4,4 39:4  
 45:3  
**needed** 14:19 34:10  
**needs** 10:3 28:18 35:7  
 35:9  
**new** 1:5 22:8,9,17 23:3  
 24:16  
**Nick** 1:16 2:9  
**night** 6:10  
**Nightclub** 17:22  
**nightlife** 15:18 16:1  
**nights** 11:18  
**Nine** 9:17  
**nineteen** 12:5  
**noises** 2:20  
**note** 46:8  
**notes** 40:8  
**notice** 3:4 4:22 5:5,8  
**notify** 12:11,14  
**notifying** 8:12  
**number** 3:18,19 7:19  
 8:16,17 36:3 37:10  
 40:13  
**numbers** 21:18

---

**O**


---

**O** 2:1  
**o'clock** 30:7  
**objection** 37:2  
**obtain** 3:12

**obviously** 31:5  
**occur** 8:7  
**occurring** 12:8,10  
**odd** 30:11  
**offer** 5:19 6:17,18 10:22  
 13:1,18,22 17:18 27:4  
 27:5 28:2 36:20 37:13  
 38:10,19 39:2,7,8,18  
 40:1,4 41:17 42:1,13  
 42:19 44:9,15  
**offered** 40:20  
**offering** 5:16 6:9,11  
**offers** 18:1  
**office** 1:20 4:18 14:9,12  
 14:14 16:5,16 26:18  
 26:19  
**Official** 6:6 7:13  
**officially** 18:20 35:13  
**oh** 32:4  
**OIC** 17:4 32:22 33:11  
 35:4,9,13,17 36:3  
 38:13 41:8 45:16 46:1  
**OIG** 29:9  
**okay** 4:14,16,20 5:5,18  
 13:5,14 14:6 15:2,12  
 16:8 17:8 19:13 20:20  
 22:6,17 25:3 26:5,12  
 26:16 27:15 28:9 29:3  
 30:5,8,18 31:11,16  
 32:15 33:8 34:5 35:1  
 35:14 38:8,17 39:11  
 39:15 42:14,18,18  
 43:1,6 44:6,13,17,21  
 45:10 46:2,15 47:5,16  
**old** 22:12 23:4,6,8,9  
 24:5,17 25:21 43:16  
**once** 31:21 34:14 44:8  
**one's** 17:10  
**online** 32:12  
**open** 3:7,8,10 14:8  
 19:16 27:16 31:1 33:3  
 34:11 37:7,11,14 41:5  
**opening** 7:9 9:1 36:8  
**operate** 9:4  
**operational** 7:18,21  
**opportunity** 13:11  
**opposed** 39:14  
**options** 17:19  
**order** 18:13,19 29:7  
 34:10,17 39:22 41:16  
**ought** 34:18  
**outlined** 44:8  
**outside** 9:20 10:2 32:11  
**outsourced** 33:16  
**Owens** 4:5,5,8,8,12  
 14:21 15:1,2,3,10,16  
 16:7,12,15,19 17:17  
 23:13,15 24:2 26:4,7  
 26:14,17 30:15 32:7

32:20 33:1 40:9  
**owner** 4:14 12:7  
**owners** 11:12

---

**P**


---

**P** 2:1  
**p.m** 11:17 17:16 31:17  
**packages** 46:5  
**page** 16:9 47:7  
**paggers** 2:21  
**paid** 6:22  
**paper** 3:5  
**paragraphs** 10:9  
**pardon** 5:7  
**part** 24:4,8,13 25:8,9  
 35:3 45:4  
**particular** 46:22  
**parties** 5:15 36:10,13  
 36:17 39:3  
**passes** 38:9 39:15  
**pat** 11:16  
**path** 43:17,19 44:3  
**patron** 8:13 9:19 10:3  
 33:22  
**patrons** 9:16 11:12,16  
 33:22  
**pending** 32:1  
**people** 18:14,20 19:19  
 31:2  
**person** 19:15  
**personalize** 15:22  
**personally** 39:20  
**personnel** 9:13 10:20  
 11:20  
**phone** 21:18  
**phones** 2:21  
**pick** 46:17  
**piece** 3:4  
**pistol** 6:5 11:8  
**place** 25:10,15 26:2  
 28:6 34:19 40:22 41:8  
**plan** 7:6,7,10,12,19 8:2  
 8:5,8,16,20 9:12 11:1  
 13:16 14:9,10,14,16  
 15:7 16:11 20:5 24:10  
 24:15 25:19 32:5  
 40:17 45:17 46:1,8,18  
**plans** 41:12  
**please** 2:17,22 3:2 6:14  
 15:13  
**point** 21:13  
**police** 21:3,5  
**portions** 23:17,18  
**positioned** 34:16  
**possible** 15:20  
**post** 11:6  
**potentially** 19:1  
**practice** 15:18 46:19

**preliminary** 5:12,15  
**premises** 8:3 11:21  
**prepared** 5:21 31:15  
**present** 1:14,19 5:17  
**presentation** 32:16  
**presented** 6:12 32:9  
 41:18 45:16,22 46:1  
 46:12  
**presenting** 32:18 38:19  
**preserve** 34:1 46:6  
**preserving** 7:16 15:11  
 15:17  
**presiding** 1:13  
**pretty** 24:17 43:10  
**primary** 6:21  
**prior** 7:8 8:22 34:19  
 36:8 41:4 42:7,12,17  
**probably** 20:8 25:20  
 28:21  
**problem** 46:7  
**procedure** 7:16  
**procedures** 8:9 9:12  
**proceed** 5:21  
**proceeding** 3:15 6:14  
**proceedings** 2:17 3:1  
**proceeds** 36:20  
**process** 8:11 43:11  
**promised** 44:1  
**promises** 45:16  
**proof** 41:3  
**proposal** 39:17  
**proposed** 6:15 23:4  
**proposing** 22:18  
**protocol** 8:13  
**provide** 9:7,17,21 10:7  
 18:2 28:14 31:10  
 32:10,14 33:4  
**provided** 27:21  
**providing** 33:3  
**public** 3:8,9,11  
**pull** 25:1,12,16 27:14  
**purchase** 8:14  
**purpose** 37:9 46:3  
**put** 13:8 16:3 24:22  
 28:6 41:8

## Q

**qualified** 19:3  
**quality** 8:18  
**question** 14:7 16:22  
 18:6 19:22 21:4 25:5  
 27:2,9,18 28:11 29:16  
 36:1 43:19 44:5  
**questions** 14:8 20:10  
 36:9 43:10  
**quite** 29:1  
**quorum** 2:15

## R

**R** 2:1  
**range** 8:17  
**re-staff** 19:18  
**read** 5:2,20 13:11,18  
**reading** 13:3  
**ready** 4:1 30:11 42:21  
**real** 24:21  
**really** 25:5,19 30:1  
 32:13 40:17 41:9  
 44:11  
**reason** 36:1 37:13  
**receptionist** 2:16  
**recess** 38:10  
**recessing** 36:22  
**record** 3:7 4:2 5:21  
 12:22 13:8,19 23:17  
 38:12,13,15,18  
**recorded** 2:18  
**recording** 10:11 23:19  
**Red** 17:11 19:19 20:6,8  
 33:18  
**Reeves** 1:12  
**reference** 15:11 17:3  
 32:7  
**referring** 32:2  
**reflects** 16:11  
**refrain** 2:19  
**regarding** 6:3 12:16  
 33:9  
**regardless** 25:13  
**regularly** 2:4 8:14  
**rehired** 18:2  
**reject** 6:16  
**related** 24:4 46:11  
**relation** 4:11  
**relatively** 24:17  
**remain** 7:21  
**remarks** 3:16  
**remember** 24:3  
**renegotiating** 35:17  
**reopen** 39:6  
**report** 34:15  
**reporter** 2:18  
**representation** 38:11  
**represented** 41:10  
**representing** 45:8  
**request** 10:12,15 12:3  
 25:17 28:5  
**requested** 22:13 31:18  
**requesting** 32:9 35:3  
**requests** 10:3 40:18  
**require** 36:13  
**required** 10:9 18:19  
**requirements** 7:12  
 14:13  
**requires** 3:7  
**resolution** 12:19 17:20

18:1 33:5,15  
**respect** 27:2,8 40:14  
**response** 19:21  
**responsibilities** 12:17  
**responsibly** 40:1  
**restaurant** 17:21  
**resumed** 38:15  
**Retailer** 1:7  
**retrieve** 24:6  
**retrieved** 23:19  
**reveal** 7:22  
**review** 10:12 14:10,11  
 28:12 29:6 34:8 41:12  
 41:16  
**reviewed** 7:8 28:18,21  
**revised** 7:18  
**rework** 44:14  
**right** 2:8 14:1,4 19:14  
 20:2,17 26:8 28:22  
 29:3 30:17 32:17,22  
 35:4 36:5 42:12 43:6  
 45:18  
**Rodriguez** 1:18 2:10  
 38:2,3  
**role** 11:22  
**roll** 37:18  
**room** 1:12 2:20  
**run** 31:14  
**running** 27:14,15  
**rushing** 31:14  
**Ruthanne** 1:13,15 2:7

## S

**S** 2:1  
**sample** 9:8 27:7,20  
**satisfaction** 39:1  
**satisfied** 14:15  
**Saturday** 11:18 31:18  
**Saturdays** 17:16  
**saying** 13:7 18:9 25:4  
 28:13,16 43:16 44:10  
 46:18  
**scene** 7:17 15:11,17  
 34:1 46:7  
**schedule** 43:3  
**scheduled** 2:4  
**school** 17:10 22:12  
 24:17  
**search** 11:16  
**seat** 3:3  
**second** 37:15,16 39:9  
 39:10  
**seconded** 37:18,19  
 39:12  
**section** 3:9 15:11,16  
 16:2,7 37:6,11,14  
**secure** 21:6  
**secured** 16:4,15 26:17  
 26:19

**security** 7:6,7,10,12,19  
 8:5,8,15,16,20,21 9:9  
 9:12,13 10:18,19,20  
 11:1,20 12:2 13:16  
 14:9,10,13 15:7 16:11  
 17:13,14,15,22 20:5  
 24:9,14 25:19 31:8,10  
 31:21 36:7 40:2,5,11  
 40:17 43:21,22 45:17  
 46:8,18,20,21  
**see** 17:12 18:6 22:15  
 24:21 27:12,14 28:15  
 29:4 32:2 39:22 40:4  
 40:5 45:6  
**seek** 36:22  
**seeking** 27:2,8 37:9  
**send** 22:10  
**sense** 25:5  
**served** 7:3  
**services** 9:20  
**session** 36:16 37:4  
 38:19  
**set** 41:19  
**settle** 6:3  
**settlement** 3:13  
**seven** 9:5 12:11,15  
**Seventeen** 11:15  
**shirts** 31:22  
**Short** 1:17 2:12  
**show** 1:6 6:13 41:22  
 42:6 43:8 45:8  
**sign** 3:5 11:7  
**Silverstein** 1:18 2:11,12  
 4:7 15:13 37:16,17  
 38:4,5 39:10,11 40:7  
 43:13,14 46:17  
**simple** 24:18 25:6,6,7  
 25:13  
**sir** 18:8,11 21:20 22:1  
**situations** 9:22  
**six** 2:12 9:2  
**Sixteen** 11:11  
**somewhat** 43:2  
**son** 30:16  
**sooner** 30:22 31:1  
**sorry** 4:7 24:12 47:9  
**sort** 33:16  
**sounds** 35:20  
**speak** 15:14 41:9  
**specific** 39:1 40:20  
 43:18  
**specifically** 46:8  
**specificity** 39:4 40:11  
 43:20 44:2  
**specified** 8:19 20:1,5  
 25:18 40:17  
**specify** 8:17  
**spelling** 3:6  
**Sports** 1:6 3:18 4:4,6,9

4:11 16:2 30:17 37:10  
39:7  
**spots** 7:22  
**staff** 10:19 19:18  
**standards** 15:21  
**start** 31:2,15  
**state** 7:19,21  
**stated** 29:18  
**status** 1:7 4:20 20:11  
**stayed** 7:1,2  
**stop** 18:16  
**store** 20:18 23:17  
**stored** 23:9,11  
**Street** 1:7,12 3:19  
**stuff** 22:10 26:18 46:19  
**submit** 7:5 11:19 46:5  
**submitted** 34:7  
**subsequently** 12:13  
**suggest** 35:8 40:7  
**suggested** 35:20  
**summary** 12:19  
**sure** 6:1 19:4 21:3  
27:13 33:10 41:14  
43:21  
**surveillance** 9:10  
**suspended** 7:1  
**suspension** 7:1,3 12:20  
27:3,20 28:8 29:13  
34:19  
**system** 7:18 8:21 9:10  
20:12,15 22:8,9 23:4  
23:5,6 24:5,16 25:13  
25:21 30:6 31:21 36:7  
41:7,10,13

---

**T**


---

**t/a** 1:6  
**table** 3:5  
**tables** 3:3  
**take** 3:3 17:19 37:18  
38:9 40:8 41:1  
**taken** 15:17  
**takes** 44:19  
**talked** 41:6  
**tavern** 11:9  
**tech** 22:10  
**tell** 15:3 39:21 43:12  
**ten** 9:8,20 21:18  
**term** 35:12  
**termination** 12:2  
**terms** 6:19 14:4 29:5  
33:11 38:21  
**thank** 12:21 13:9 15:15  
18:4 20:9 22:22 26:21  
26:21 43:15 47:15,16  
47:17,18  
**thing** 29:6 30:9 34:12  
**things** 14:19 15:4 28:6  
34:2,7 44:2,7,8 45:2,5

**think** 14:7 15:6 21:6,7,7  
25:3 30:13 33:13,20  
34:7,8,17 38:20 39:4  
39:16,18,20 41:8  
43:10 45:13 46:16,17  
**thinking** 33:21  
**Thirteen** 10:17  
**thought** 13:7 27:11,11  
33:9  
**three** 2:14 7:5 30:16  
47:7  
**Thursday** 11:17 31:18  
**Thursdays** 17:15  
**tied** 40:16  
**tier** 6:21  
**time** 13:11 24:20,21  
27:9 28:11 29:15  
**timeframe** 25:18 29:2  
**timeline** 32:13 33:2,7  
**times** 7:22 9:3  
**title** 7:13 11:22  
**today** 2:6 28:2 29:13  
**today's** 2:15  
**told** 21:17  
**tomorrow** 20:14 29:20  
30:7,11 31:15 34:21  
34:22 35:1  
**ton** 13:3  
**train** 18:14,20 19:3  
30:15 32:11  
**trained** 17:10 18:10  
19:2,10,12 20:3,6,7  
26:7,10 40:15 41:4  
**trainer** 19:11  
**training** 9:18,22 10:7,8  
10:18,19 16:22 17:4,5  
17:13,18,19,21 18:1,7  
18:13,16,18 19:19,22  
20:4 25:9 27:12,21  
28:19,20 30:10 31:5  
32:3,8 33:2,5,13,20  
34:3 40:14,15,19,20  
40:21,22 41:1,2,3,12  
41:14 45:3,14,15,21  
46:5,10,11,13  
**trainings** 33:17  
**tried** 21:7  
**truck** 31:13,14  
**true** 29:22  
**trying** 25:20 26:1 33:6  
33:20  
**Tuesday** 7:6 9:6 10:6  
**turn** 3:16  
**turned** 2:22  
**Twelve** 10:10  
**two** 7:1 31:19 40:13  
**type** 29:6 40:11 41:2,3  
**types** 44:2

---

**U**


---

**Uh-huh** 19:8  
**understand** 5:3 13:21  
18:17 25:4 26:1 42:4  
**understanding** 19:5  
29:2  
**understands** 33:10  
43:11  
**Understood** 33:1  
**uniform** 31:22  
**unlicensed** 6:8  
**updated** 12:1 16:10  
**use** 8:14 15:20 24:5,18  
26:10  
**usually** 34:13  
**utilize** 17:20 26:8 32:11  
**utilized** 7:20 8:18

---

**V**


---

**validating** 45:15,21  
**video** 8:18 9:8 10:10,15  
21:1 23:3,5,6 25:12  
27:7,14,20 28:17  
29:20,21 30:6 34:10  
**violate** 11:4  
**violation** 6:6,21  
**violence** 10:11  
**violent** 8:7 9:13 10:1,16  
**vote** 35:11 37:3,18 38:9  
39:2 40:1 44:19  
**voting** 35:13

---

**W**


---

**wait** 30:2  
**waive** 14:1,3  
**walkthrough** 8:21  
34:14 36:6 41:6  
**wand** 8:15 11:15 31:19  
**want** 12:21 13:15,17  
14:7 15:7,9 19:4  
25:14 26:11 27:8 29:9  
29:11 30:2 32:8,10  
36:10 39:16,21 42:3  
43:7,14,20,21 44:2  
46:16  
**wanted** 15:3,19 27:12  
34:13 43:18  
**wants** 41:12  
**Washington** 1:13  
**wasn't** 25:5,10,20  
**way** 40:18  
**we'll** 29:19 37:18 38:12  
**we're** 19:16 22:12 30:16  
45:14,20 46:12,13  
**we've** 17:13 19:18  
20:13 30:3,19 31:9  
**weapons** 11:13  
**website** 17:21

**Wednesday** 42:15  
**week** 30:2  
**weeks** 30:20  
**welcome** 2:4 42:7  
**went** 16:20 17:13 38:15  
**weren't** 29:12  
**wise** 27:9  
**wish** 5:12  
**words** 30:14  
**work** 31:2 43:4  
**working** 34:17 43:15  
**worth** 20:18  
**write** 47:4,7

---

**X**


---



---

**Y**


---

**year** 7:2  
**yesterday's** 25:1  
**York** 1:5

---

**Z**


---



---

**0**


---

**09:40** 2:2

---

**1**


---

**1** 6:20  
**10** 9:7 10:6,9 11:17  
17:16 31:17,19 34:9  
**10:17** 38:15  
**10:50** 38:16  
**10:59** 47:20  
**100%** 31:19  
**10th** 27:7,20 28:4,13  
29:18 32:5  
**11th** 29:16  
**13** 10:9 24:21  
**1427** 1:7 3:19  
**14th** 1:12  
**15-251-00003** 1:9 3:18  
37:10 47:19

---

**2**


---

**2** 17:16 31:17,19  
**2000** 1:12  
**2010** 37:7,12,15  
**2015** 1:10 2:6 6:5 7:7  
9:7 10:6 12:8,10  
**22-4503** 6:7  
**25** 7:13  
**29th** 41:22 42:5,6,17

---

**3**


---

**3** 7:7  
**30** 6:5,22 7:1,2 10:16  
12:8,10 20:18

**4****4** 1:10 2:6 15:16**405** 37:6,11,14**405B** 3:10**48** 10:14**5****5** 16:9 36:3**5th** 31:15**6****6-0-0** 38:9 39:15**7****8****9****9** 10:9 16:2,7 30:7**911** 8:11 11:3**94107** 1:8 3:19